

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

UNITED STATES OF AMERICA

VS.

**NO. 5: 09-CR-66 (CAR)**

**JUAN CARLOS RODRIGUEZ-CERDA,**

**VIOLATIONS: Drug Related**

Defendant

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**ORDER OF DETENTION PENDING TRIAL**

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In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), consideration was this day made of the government's request for the pretrial detention of defendant **JUAN CARLOS RODRIGUEZ-CERDA**. Based upon the information proffered to the court by the parties and set forth in the Pretrial Services Report of December 30, 2009, provided by the U.S. Probation Office, I conclude that the following facts require the detention of the above-named defendant pending trial in this case.

**PART I - FINDINGS OF FACT**

There is a serious risk that this defendant will not appear for further proceedings should he be released from custody at this time. He is an illegal alien, having been born in Mexico. In addition, the undersigned finds that he poses a danger to the community by continuing to involve himself in illegal drug activity. Through legal counsel, Mr. Ashutosh S. Joshi of the Atlanta Bar, the defendant advised the court that he does not contest pretrial detention.

**PART II - WRITTEN STATEMENT OF REASONS FOR DETENTION**

Applying the factors set forth in 18 U.S.C. §3142(g), I find that the information provided by the U.S. Probation Office and proffered by the government establishes by clear and convincing evidence that no condition or combination of conditions set forth in 18 U.S.C. §3142(c) will reasonably assure the appearance of defendant **JUAN CARLOS RODRIGUEZ-CERDA** or the safety of the community if he were to be released from custody at this time. He has no ties to the Middle District of Georgia but is a resident of the Northern District of Georgia where he has several family members. However, his father and a sister reside in Mexico. The charges against this defendant are serious ones for which long-term incarceration can be expected in the event of a conviction or plea of guilty. His estimated guideline sentencing range is 63 months to 78 months. Although the defendant has no felony convictions, he was released from custody in Monroe County, Georgia in September of 2008 on felony drug trafficking charges on a cash bond of \$50,000. The instant federal prosecution arose from this state case. While on release from the Monroe County charges, defendant Rodriguez-Cerda was arrested and charged in May of 2009 in Fulton County, Georgia on numerous felony drug and firearms related charges; no bond has been set in the Fulton County case, and the defendant appears in the Middle District of Georgia on a writ from Fulton County. His status as an illegal alien and continued involvement in drug trafficking coupled with the threat of long-term imprisonment mandate pretrial detention. IT IS SO ORDERED.

**PART III - DIRECTIONS REGARDING DETENTION**

The defendant is hereby committed to the custody of the Attorney General of the United States or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SO ORDERED, this 4<sup>th</sup> day of JANUARY, 2010.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." The signature is stylized with large, flowing letters.

CLAUDE W. HICKS, JR.  
UNITED STATES MAGISTRATE JUDGE